

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

x JUDGE SAND

RONALD E. KEMP,

Plaintiff,

08 CV 0954
2008 Civ. (CPS)

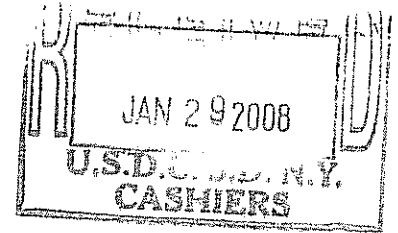
-against-

COMPLAINT

LONG ISLAND RAILROAD,

Defendant.

x



PLAINTIFF DEMANDS TRIAL BY JURY

Plaintiff, by his attorneys, CAHILL, GOETSCH & MAURER, P.C., complains of the defendant and alleges:

FIRST: This action is brought under the Federal Employers' Liability Act (45 U.S.C. Sec. 51 et seq.).

SECOND: The defendant, Long Island Railroad (hereinafter "LIRR") is a corporation engaged in interstate commerce by rail and operates a railroad system and railroad yards within the jurisdiction of this Court and in various other States.

THIRD: That at all times hereinafter mentioned, the LIRR has employed the plaintiff as a Principal Buyer in its Procurement & Logistics Department under its direction, supervision and control and in furtherance of defendant's business in interstate commerce.

FOURTH: That at all times hereinafter mentioned, the LIRR maintained and controlled an office facility located at 90-27 Sutphin Blvd., Jamaica, NY 11435 in furtherance of its business in interstate commerce or in work closely or substantially affecting the same.

FIFTH: That on or about January 2, 2007, while the Plaintiff, an employee of the

LIRR, was performing his assigned duties as a Principal Buyer in the LIRR's Procurement & Logistics Department at defendant's offices located at 90-27 Sutphin Blvd., Jamaica, NY, defendant, its agents, servants and employees, negligently and carelessly conducted themselves toward the Plaintiff in failing to provide Plaintiff with a reasonably safe place to work; in failing to provide proper supervision; in failing to properly install and secure computer cables that were located under Plaintiff's desk; in failing and neglecting to enact and enforce safety, operating and maintenance rules, regulations, procedures, and practices for activities carried out by its personnel at the said place which would have prevented Plaintiff's injury; and, that all of the foregoing brought about severe and disabling injuries to the Plaintiff.


SIXTH: That the said injuries occurred while the Plaintiff was acting in the furtherance of interstate commerce or in work closely or substantially affecting the same.

SEVENTH: That the Plaintiff was damaged thereby in the sum of ONE MILLION (\$1,000,000.00) DOLLARS.

WHEREFORE, Plaintiff demands judgment against the Defendant on the first cause of action in the sum of ONE MILLION (\$1,000,000.00) DOLLARS, together with the costs and disbursements of the action.

Dated: Croton-on-Hudson, New York
January 23, 2008

CAHILL GOETSCH & MAURER, P.C.
Attorneys for Plaintiff

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